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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Santiago OSUNA-Chino,** Defendant	Magistrate Docket No. '08 MJ 2331 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **July 29, 2008** within the Southern District of California, defendant, **Santiago OSUNA-Chino** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 30th DAY OF **JULY, 2008**

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Santiago OSUNA-Chino

PROBABLE CAUSE STATEMENT

On July 29, 2008, Border Patrol Agents C. Brzeczek, E. Esparza, and J. Byland were conducting line watch duties east of the Tecate, California Port of Entry. At approximately 3:00 a.m., Agents Brzeczek, Esparza, and Byland responded to an activation of a seismic intrusion device Northeast of the Tecate, California Port of Entry.

Upon arriving in the area, the Agents found footprints. Agents Brzeczek, Esparza, and Byland followed the footprints north for approximately ten minutes until Agent Esparza found two individuals attempting to conceal themselves in the brush. Agent Esparza identified himself as a United States Border Patrol Agent and questioned each individual regarding their citizenship. Both individuals, including one later identified as the defendant **Santiago OSUNA-Chino,** admitted to being citizens and nationals of Mexico without any immigration documents that would allow them to enter or remain in the United States legally. Both individuals were arrested and transported to the Tecate, California Border Patrol Processing Center.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **June 30, 2008** through **Calexico, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights and he was willing to make a statement without an attorney present. The defendant stated that he is a citizen and national of Mexico illegally present in the United States. The defendant stated that planned on going to San Diego, California.